

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

EDGAR JAMAL GAMORY
also known as J.B. and VAUGHN
GREENE also known as Smooth,
Defendants.

CRIMINAL FILE NO.

1:08-CR-153-TWT

ORDER

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 132] of the Magistrate Judge recommending denying the Motions to Suppress Evidence [Docs. 54, 61 & 78] of the Defendants Edgar Gamory and Vaughn Greene. For the reasons set forth in the thorough and well reasoned Report and Recommendation, the Defendant Gamory has not made a “substantial preliminary showing” that the agent made a knowingly and intentionally false statement in the affidavit submitted in support of the search warrant for 4751 Riverwalk Trail. Therefore, the Defendant was not entitled to an evidentiary hearing under Franks v. Delaware, 438 U.S. 154 (1978). There was consent to search the garage and the Explorer. Furthermore, the search of 4751 Riverwalk Trail falls within

the good faith exception. The Objections of Defendant Greene are without merit and have no effect on the findings of consent and probable cause with respect to the search of the garage and the Explorer. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendants' Motions to Suppress Evidence [Docs. 54, 61 & 78] are DENIED.

SO ORDERED, this 27 day of March, 2009.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge